

## SMITH WILL STANDS

Relatives Satisfied with Millionaire's Gifts.

## FORTUNE IS OVERESTIMATED

Herman S. Leroy, One of Executors, Declares Value of Silent Man's Estate Is Somewhat Less Than \$25,000,000—George Grant Mason, a Nephew, to Get Two-Thirds.

New York, May 8.—Herman S. Leroy, one of the executors of the estate of James Henry Smith, said today that the value of the estate is somewhat less than \$25,000,000. According to Mr. Leroy, the estate had been generally overestimated. George Grant Mason, a nephew, who will receive a little more than the residue, will receive something over \$5,000,000. Small bequests and trust funds, established by the will, amount to \$3,200,000.

As explained by Mr. Leroy, James Henry Smith, who was a second cousin of George Smith, the banker, who died in London on October 7, 1890, and George A. Cooper (afterward Sir George Cooper), then a resident of Elgin, Ill., each got then a residue of the estate, after other legacies were satisfied. The elder Smith left about \$2,000,000. The English inheritance tax reduced the estate to about \$1,000,000, and James Henry Smith had to pay an inheritance tax amounting to slightly less than \$2,000,000 in this State. It is said, therefore, that James Henry Smith's portion amounted originally to \$3,000,000 in round numbers.

**Estate Worth \$25,000,000.**  
During his lifetime, Smith gave away to relatives a sum which is estimated at between \$2,000,000 and \$3,000,000, but the natural augmentation of the property left him worth, at his death, about \$25,000,000.

From the elder Smith, James Henry Smith got 19,000 shares of the stock of the Chicago, Milwaukee and St. Paul Railroad. He retained all that and according to Mr. Leroy, largely increased his holdings of St. Paul. The executor declined to say, today, how much St. Paul James Henry Smith owned when he died in Japan.

"None of the stock will be thrown on the market," said Mr. Leroy. "The bulk of James Henry Smith's fortune consisted of gift-edged securities, with only a comparatively small amount of real estate, including the house in Tuxedo and the Whitney mansion. Mr. Smith paid \$1,000,000 for the Fifth Avenue house and spent \$300,000 on it in improvements. I suspect that it will be held at \$2,500,000."

## Mason Gets Whitney House.

Harry Payne Whitney will have the option on the mansion if the Smith estate decides to sell. George Grant Mason, the principal beneficiary, intends to make his home in this city, however, and may, it is expected, want the house for himself. Mr. Mason, who is stopping at the Hotel Newburgh with his wife, declined to see newspaper men today. He has been described by men who know him as "silent" or "Silent" Smith.

Mr. Leroy said today that there is absolutely no possibility of Mr. Smith's will being contested.

"The members of the family are in accord," he said, "and have professed satisfaction with the terms of the will. Fitzgerald & Guerdon, the London solicitors, and men of property, who witnessed George Smith's will, are coming here by May 20 to prove the will. In fact, Mr. Guerdon is already here, and Mr. Fitzgerald is expected shortly."

## NEWS CUT SHORT FOR BUSY READERS

Upon recommendation of M. C. Hargrove, property clerk, the District will within a few days hold an auction sale of a quantity of old material, such as desks, chairs, hose, water-coolers, etc., received by the various departments of the District, and found by them unfit for further use.

Engineer Commissioner Morrow yesterday recommended that the offer of Wood, Donn & Denning, architects, to prepare plans for the water department stables for a commission of 3-1/2 per cent of the cost of the building, be accepted. The stables will be erected on land adjacent to the pumping station, on Bryant street, between Second and Fourth streets north-west.

George B. Fugitt, by his will, filed yesterday, gives everything to his wife, Catherine M. Fugitt, who is also named as executrix. Mr. Fugitt died April 30 last.

Robert Gedney Rutherford bequeaths his property to his wife, Elizabeth McKean Rutherford, subject to a legacy of \$100 to the testator's daughter, Mrs. Beattie Rutherford Whittingham, and \$100 to his son, Robert Gedney Rutherford, Jr., the testator, who died April 24, appointed his wife executrix.

Leonari L. Guitridge, tried on a charge of embezzlement of street car tickets, yesterday was acquitted by a jury in Justice Stafford's court. J. Wilton Lambert represented Guitridge.

James H. Dawson, indicted on a charge of grand larceny, yesterday withdrew his plea of not guilty, and entered a plea of guilty to petit larceny. Justice Stafford sentenced him to six months in the workhouse.

Justice Stafford will today be called upon by United States Attorney Baker and Special Assistant Morgan H. Beach, to decide the question of calling, prior to the summer recess, the case against Edwin S. Holmes, Jr., former assistant state solicitor of the Department of Agriculture. Holmes, with Frederick A. Peckham and Moses H. Hays, of New York, is indicted for conspiracy in connection with the "cotton leak" scandal in the Agricultural Department.

Allice J. Betz, through her attorneys, McNeill & McNeill, yesterday began suit against her husband, William C. McNeill, for maintenance. Mrs. McNeill alleges that her husband fails to contribute toward her support; that he is employed in the Bureau of Engraving and Printing, where he is earning \$72 a month, besides drawing \$15 a month pension.

Mrs. Sadie L. Hooker instituted proceedings against Audick Palmer, United States marshal of the District, for the recovery of \$10,000 damages. Mrs. Hooker alleges that Marshal Palmer unlawfully entered her home, at 1714 Fourteenth street, and there made a great noise and disturbance, and frightened and assaulted her and took her household goods. Attorneys A. A. Lipscomb and W. W. Ellison appear for Mrs. Hooker.

Mrs. Pauline C. McEuen, through her attorney, Charles W. Pitts, began suit against her husband, William C. McEuen, for maintenance. Mrs. McEuen alleges that her husband fails to contribute toward her support; that he is employed in the Bureau of Engraving and Printing, where he is earning \$72 a month, besides drawing \$15 a month pension.

## ADMIRAL EVANS TO RETIRE.

Reported that Commander of Atlantic Fleet Suffers from Ill Health.

Norfolk, Va., May 8.—It is reported in army and navy circles at Old Point Comfort and Norfolk that Rear Admiral R. L. Evans will probably ask to be retired from the command of the Atlantic fleet, and, perhaps, placed on the retired list, because of ill health.

The commander-in-chief is ill, and it is reported, has not been aboard his flag ship, the Connecticut, for several days, the active command of the fleet devolving on Rear Admiral Charles H. Davis, who, himself, is to be retired because of the age limit in about two months. Admiral Evans is confined to a room in Hotel Chamberlin, Old Point Comfort.

## MRS. TOM L. JOHNSON ILL.

Cleveland's Mayor Is Hurriedly Called to New York.

Cleveland, May 8.—Mayor Tom L. Johnson left hurriedly for New York, where his wife is seriously ill, as the result of a nervous breakdown. Mrs. Johnson is in a private hospital, under the care of Dr. Edward Janeway, and was steadily improving until this morning, when her condition took a turn for the worse. It is believed that Mrs. Johnson is worse than the doctor and the nurses report.

## MARVIN INQUEST ON MONDAY

Finders of Lad's Body Want to Explain Apparent Mystery.

Storm Water Floated Corpse to Previously Searched and Burned-over Spot of Swamp.

Dover, May 8.—Coroner Joseph Calloway spent the day in Dover arranging the details of the inquest into the death of Horace W. Marvin, Jr., which is now set for Monday morning. It is now set for Monday morning. It is now set for Monday morning.

Franklin F. Pleasant and his son, Oliver Pleasant, are very anxious to be set straight before the jury upon a very valuable point of testimony. When the boy's body was found last Saturday, after a nine weeks' search, and only one-third of a mile back of the farmhouse, the Pleasantons stated very positively that the spot where the body was found had been carefully searched by both of them, and if the body had been there they would have found it.

Doctor Marvin and Superintendent Beare, of the Philadelphia Pinkertons, had also burned the grass almost at the very spot where the body was found. Doctor Marvin and Superintendent Beare, of the Philadelphia Pinkertons, had also burned the grass almost at the very spot where the body was found.

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## MAHOOL NAMES AIDE

Goldsborough to Be Secretary to Mayor-elect.

## TIMANUS STRONG UPTOWN

Both Baltimore Candidates Supported by Independents—Split Gives Retiring Mayor Best of Argument. Workingmen Strong for Successful Candidate—Nansen Runs Ahead.

Special to The Washington Herald.

Baltimore, Md., May 8.—Mayor-elect J. Barry Mahool announced to-night that he will appoint as his secretary, A. S. Goldsborough, one of the rising young orators of Baltimore Democracy. Mr. Goldsborough is chief clerk of the first branch of the city council, and has been secretary of the Democratic Taxpayers' Association, which managed Mahool's campaign. Mr. Goldsborough's addresses in the late and other campaigns have attracted widespread attention, and many think he is a coming figure in Maryland politics. Before taking up Democracy, he was a newspaper editor. He is a native of the Eastern Shore, where he is widely known. He is a lawyer.

Since the regular Democratic and Republican votes in Baltimore city are about evenly divided, there was much interest today to ascertain how the Independent roll, the balance of power, was cast. It was conceded that both Mahool and Timanus were men of clean records, each backed by his organization. The Independents split, the greater number voting for Timanus.

That the mayor carried such independent wards as the Fourteenth and Sixteenth, and held Mahool down to a very small plurality in the Eleventh, is evidence that many of the city's independent voters supported him. The returns seem to indicate that, but for the mayor's personal popularity, and the general feeling that he had given a good administration, yesterday's election would have been a worse defeat for the Republicans.

Timanus ran better than Mahool in the uptown wards, but fell off 4,000 votes in the workingmen's wards in South and East Baltimore, where, it is believed, he was knifed by the Wachteteries. He was South and East Baltimore that gave Mahool his majority.

George N. Nansen, comptroller-elect, ran 8,000 ahead of his tictory, owing to his popularity and the German vote, and the fact that his opponent, Tattersall, was cut both ways. He left the Wachteteries to accept a regular organization nomination, and both factions slashed him.

**MISS LANDSTREET WEDS.**  
Great-granddaughter of Andrew Jackson Is Richmond Bride.

Richmond, Va., May 8.—An interesting wedding, solemnized at 6 o'clock this afternoon at the home, on Park avenue, of Mr. and Mrs. John Landstreet, was that of Mr. Landstreet's daughter, Miss Martha Landstreet, to Mr. Robert J. Willingham, of Richmond.

The ceremony was performed by the Rev. Dr. Robert Willingham, father of the groom, assisted by the Rev. Dr. Robert Forsythe, rector of St. Paul's Protestant Episcopal Church, and pastor of the bride.

A reception, attended only by relatives and close friends of the couple, followed the ceremony, after which Mr. and Mrs. Willingham left for a wedding journey North. Upon their return they will live in Richmond.

The bride is a daughter of Mr. John Landstreet, a prominent Richmond tobaccoist, and a niece of Mr. Fairfax Landstreet, of Baltimore, vice president of the Western Maryland and West Virginia Central railroads. Her maternal great-grandfather was President Andrew Johnson, and she has several gowns worn by her grandmother, Mrs. Patterson, who presided at the White House during her father's administration.

Among the invited guests from out of town were Mr. and Mrs. Fairfax Landstreet and Mr. and Mrs. Andrew Byrd, of Baltimore; Brig. Gen. and Mrs. Sharpe, Maj. Gen. George W. Davis and Miss Elsie Davis, and Mr. and Mrs. George Martin, of Washington; Mr. and Mrs. Lindsay McCandlish, of Reading, Pa.; John Colson, of Greensville, Tenn.; and Miss Landstreet and Mrs. W. B. McCandlish, of Piedmont Virginia.

**WILL ESCORT ROOSEVELT.**  
Cadet Officers Selected at the Naval Academy for Jamestown.

Annapolis, Md., May 8.—The authorities at the Naval Academy have appointed the cadet officers for the four companies of midshipmen who will form the provisional battalion that is detailed at the request of President Roosevelt to act as his personal escort at Jamestown in June. This battalion, which was formed and is being given special drilling preparation, will leave the Academy abroad on June 9 to be at Jamestown in time for the ceremonies on Georgia Day, June 1. Its members are taken from the third classmen, while its officers are picked from the second class of the academy.

The leading officers and their rank are: Edward James Foy, of Little Rock, Ark., battalion commander; William T. Boyd, of Peoria, Ill., battalion adjutant; Frederick H. Babcock, of Watertown, N. Y., chief petty officer.

**City Officials Appointed.**  
Special to The Washington Herald.

Frostley, Md., May 8.—The city council has appointed the following officials: David McCullough, street superintendent; James Garvey, superintendent of pumping station; Martin Hartig, assessors; Duncan E. Shaffer, John Donahoe, and George Zais; treasurer of the water board, Councilman Thomas G. Dillon.

**Bank Directors Elected.**  
Frederick, Md., May 8.—At a meeting of the stockholders of the Woodsboro Savings Bank the following directors were elected: Dr. William H. Wagner, James M. Smith, Charles W. Dorcas, William B. Cuthall, Harry King, George W. Hoffmann, A. H. Etzler, James W. Long, Robert L. Ogil, Joseph L. Shank, and George F. Smith.

**Colored Man Drops Dead.**  
Clifton Forge, Va., May 8.—A colored man dropped dead here today in the passenger station of the Chesapeake and Ohio Railroad. Nothing could be found on his person to identify him. In his pocket was found a ticket from Charleston, W. Va., to Lynchburg, Va.

**\$10,000 Fire at Culpeper.**  
Special to The Washington Herald.

Culpeper, Va., May 8.—The large carriage and machine shops of the Yancey Company were destroyed this morning by fire. The cause of the fire is not known, but the building and contents is about \$10,000, partially covered by insurance. The origin of the fire is not known.

**Always the Same.**  
Tharp's Pure Berkeley Rye

812 F St. N. W. Phone Main 1141. Special Private Delivery.

## REV. KAUF GOING TO BELGIUM.

Will Become Vice Rector of Louvain University.

Special to The Washington Herald.  
Norfolk, Va., May 8.—Rev. Father Felix Kauf will conduct his last service as assistant pastor of St. Paul's Church, in Portsmouth, June 2. He leaves that evening for New York, from where he will take the steamer to Europe to take up the duties of a professorship and the vice rector of the Louvain University, in Belgium, where he received his education.

Louvain University is one of the oldest educational institutions in Europe, having been founded in the year 1800.

## BOY KILLED BY STREET CAR.

Martin McCullen Crushed While on Way Home from School.

Special to The Washington Herald.  
Lynchburg, Va., May 8.—Martin McCullen, aged ten years, was killed on Grace street, at noon today, by a street car, while he was going home from the Catholic school. The child ran in front of the car, and both his legs were ground off at the knee. He was dead when taken from under the car.

Motorman Higginbotham, who was running the car, was arrested and bailed. Higginbotham was in charge of a car several months ago which struck and killed a man in almost the same manner.

## DISAPPEAR WITH YOUNG GIRL

Two Clifton Forge Men, Charged with Abduction, Denied Bail.

Victim Returns Home Unable to Explain Absence—Is Daughter of C. & O. Conductor.

Special to The Washington Herald.  
Clifton Forge, Va., May 8.—A. J. Robinson and J. R. Simpson were arrested here last evening and given a preliminary hearing to-day before the mayor on the charge of abducting a fourteen-year-old girl, the daughter of a well-known Chesapeake and Ohio conductor. Both men were sent to the grand jury. Bail being refused, they were remanded to jail to await regular trial at the July term of the Circuit Court.

The girl disappeared with the two men Sunday afternoon, returning home Monday morning. She was unable, however, to give a clear account of her absence. As Robinson and Simpson were last seen with her, they were promptly arrested. With the result as stated above. Other charges are expected to be made in the case. Simpson has been employed for some time as fireman on the Chesapeake and Ohio. Both prisoners are residents of this place.

**FIGHTS TICKET SCALPERS.**  
Baltimore and Ohio Gets Injunction in United States Court.

Norfolk, Va., May 8.—The Baltimore and Ohio Railroad, through its counsel, Thomas W. Shelton, has secured an injunction from Federal Judge Waddell, temporarily restraining the Norfolk ticket scalpers from buying, selling, or in any way, dealing in non-transferable tickets issued by the Baltimore and Ohio Railroad, or by any other railroad or transportation company.

Accompanying the bill of complaint was an affidavit sworn to by John P. Appleton, of Baltimore, in which he declared that he had purchased from one of the fourteen Norfolk defendants a non-transferable ticket issued in favor of another person. Judge Waddell will hear argument on June 3 on a motion to make permanent the temporary injunction against the ticket brokers.

This action in the Federal Court follows a similar injunction secured by other lines in the State Court, where argument is to be heard before Judge Prentiss on May 27 for a permanent injunction.

**JUDGE MANN IN THE RACE.**  
Temperance Advocate a Candidate for Gov. Swanson's Chair.

Special to The Washington Herald.  
Richmond, Va., May 8.—"I am already in the race for the gubernatorial nomination and am doing all I can to make certain of my nomination," said Judge William Hodges Mann, of Nottoway, the great apostle of temperance, who made the race for two years ago, and who is expected next to Gov. Swanson in that contest.

He has been over much of the State, made speeches in many of the towns that have voted against the saloons, and is delighted that the places have gone out of the whisky business.

He is not overlooking the fight on the grounds of prohibition, declaring he is a Democrat and believes in enforcing the laws.

**BOXING IS UNLAWFUL.**  
John L. and Partner Unable to Spar for Benefit of Spectators.

Special to The Washington Herald.  
John L. Sullivan's innocuous exhibition at a local theater this week when, after his monologue, he goes on with his sparring partner, Kid Cutler, brings to mind most forcibly the decadence of the general interest in pugilism, and even amateur boxing.

The laws in Washington are so strict at the present time that all Sullivan and Cutler are allowed to do is to simply put up their hands and show five or six of the principal leads, blocks, and counters in boxing; but even these are interesting, despite the fact that the blows are not delivered.

On the other hand, take the conditions when Sullivan went on his famous tour of the country in 1893, meeting all comers. In that tour he offered \$1,000 to any man who would last four rounds against him, absolutely nobody barred. An incomplete record of the battles was kept, and showed that 180 men accepted the chance to gather a lot of money in a bunch, but not one succeeded, although a large proportion of them were seasoned professional prize-fighters, and some had even contemplated challenging Sullivan for the championship. This tour, in which Sullivan went through the country like a raging lion, willing to fight anybody or anything for any amount, gave the sport of the squared circle a prestige which it is only losing now as the result of the trickery of boxers of the O'Brien type and managers of the Billy Nolan stripe. John Zais, treasurer of the water board, Councilman Thomas G. Dillon.

**THE NEW LENOX, NORFOLK, VA.**  
Granly Street, Opposite Monticello Hotel. Most desirable location. All other points of interest. Rooms for rent. Call on Mr. H. W. Coleman, 317 W. Raleigh ave., Norfolk, Va.

**EXPOSITION OFFER TO FAMILY.**  
Would rent my residence, saved rooms, to all persons five or six months. Ideal surroundings; most convenient to exposition, and all other points of interest; furnished, ready for occupation. E. W. A. All other points of interest. Call on Mr. H. W. Coleman, 317 W. Raleigh ave., Norfolk, Va.

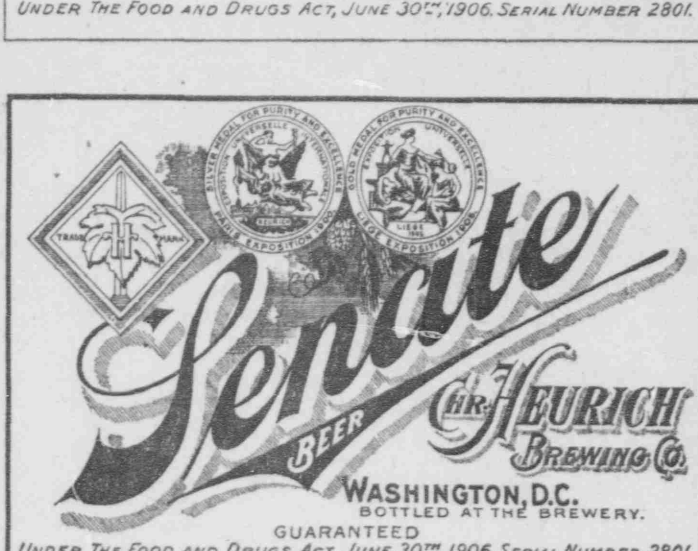
**JAMESTOWN EXPOSITION—FAIRBOURNE.**  
Cottage, Virginia Beach—ideal place for room and board; terms very reasonable. Call on Mr. H. W. Coleman, 317 W. Raleigh ave., Norfolk, Va.

**ROOMS TO LET BY DAY OR WEEK AT REASONABLE PRICES.**  
For particulars address 21 Middle st. and 211 North st., Portsmouth, Va.

**THE COLUMBIA THEATRE COMPANY** will on next Monday evening enter upon its second week with a revival of Sardou's masterpiece, "Diplomacy," which promises to become notable in more than a purely local sense. Three well-known stars—Wilton Lackey, Hilda Spong, and Charlotte Walker—will have the leading roles in this story of love, diplomacy, intrigue, jealousy, and revenge. It promises to be the strongest production the play has enjoyed in Washington within a decade, and one of the most notable anywhere since the great revival given at the Empire Theater in New York in 1903, under Charles Frohman's auspices. The latter production was not brought here, but the fine acting version prepared by David Belasco and Henry C. DeMille for the Frohman presentation will be used by the Columbia company next week for the first time in Washington. Mr. Wilton Lackey has been entrusted with the part of "Henry Beauchere," the polished man of the world. Miss Hilda Spong will be seen as the Russian Countess Zicka, and Miss Charlotte Walker will have the portrayal of the strong emotional part of Dora.

The offerings at the New National Theater next week will include two of local entertainments—Miss Clara B. Shreve's annual May carnival of juvenile dancers and the regular yearly song festival of the public school children. Miss Shreve has been at rehearsal with her pupils for over three weeks on the stage of

## These Labels Guarantee Brewery-Bottling.



Case of 2 dozen, \$1.75—50 Cents Rebate for Empty Bottles. Delivered in Unlettered Wagons, if Desired. Write or Phone West 37.

## Chr. Heurich Brewing Co.

25th, 26th, D, and Water Streets N. W.

**THEATERS TO-DAY.**  
The Belasco. "The Other Girl" at 8:15. An amusing comedy in Augustus Thomas' best vein. Very well played by a complete company, headed by Thomas Row, a clever comedian.  
The Columbia. "The Firm of Cunningham" at 8:15 and 8:35. The opening of the summer stock at this playhouse. The comedy is not very well constructed. The company is headed by Miss Hilda Spong.  
The New National. "Rip Van Winkle" at 8:15. The old play made famous by the elder Jefferson, perpetuated by his son. Too ancient to excite much interest.  
Chase's. "The Two Orphans" at 8:15 and 8